

REMARKS

STATUS OF CLAIMS

Claims 1, 6, 10-12, 15, 18, and 21 have been amended.

Claims 14, 17, 20, 24, 35, 38, 41, and 44 have been cancelled.

No claims have been added or withdrawn.

Claims 1-13, 15-16, 18-19, 21-23, 25-34, 36-37, 39-40, and 42-43 are currently pending in the application.

SUMMARY OF THE REJECTIONS

Claims 1, 5-6, 11, 25, and 33 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over “Schema for Service Level Administration of Differentiated Services and Integrated Services in Networks,” draft-ellesson-sla-schema-00.txt, Internet Engineering Task Force, Internet Draft, dated February 19, 1999, by Ed Ellesson et al. (“*Ellesson*”) in view of U.S. Patent Number 6,701,342 issued to Bartz et al. (“*Bartz*”) and in further view of U.S. Patent Number 6,336,138 issued to Caswell et al. (“*Caswell*”).

Claims 2, 7 and 30 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Ellesson* in view of *Bartz* in further view of *Caswell* and in further view of U.S. Patent No. 6,704,883 issued to Zhang et al. (“*Zhang*”).

Claims 12, 15 and 21 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Ellesson* in view of U.S. Patent No. 6,397,359 issued to Chandra et al. (“*Chandra*”).

Claims 3, 8, 31 and 34 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Ellesson* in view of *Bartz* and in further view of U.S. Patent Application Publication No. 2002/0049815 issued to Dattatri et al. (“*Dattatri*”).

Claim 10 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Ellesson* in view of U.S. Patent No. 6,466,984 to Naveh et al. (“*Naveh*”).

Claims 26 and 29 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Ellesson* et al in view of *Naveh* and in further view of *Zhang*.

Claim 27 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Ellesson* in view *Naveh* and in further view of *Dattatri*.

Claims 13 and 16 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Ellesson* in view of *Zhang* and in further view of *Dattatri*.

Claims 18 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Ellesson* in view of *Zhang* and in further view of *Naveh*.

Claim 19 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Ellesson* in view of *Zhang* in further view of *Naveh* and in still further view of *Dattatri*.

Claims 22-23, 36-37, 39-40, and 42-43 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Bartz* in view of *Caswell*.

Claims 4, 9, 14, 17, 20, 24, 28, 32, 35, 38, 41, and 44 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The rejections are respectfully traversed.

A. CLAIMS 1, 6, 10, AND 11

Claims 1, 6, 10, and 11 have been amended to include the features of Claims 24, 38, 41, and 44, respectively. The Office Action indicates that Claims 24, 38, 41, and 44 are merely objected to as being dependent upon a rejected base claim but would otherwise be allowable if rewritten in independent form.

Therefore, as a result of incorporating the features of Claims 24, 38, 41, and 44 into Claims 1, 6, 10, and 11, the Applicant respectfully submits that Claims 1, 6, 10, and 11 are allowable over the prior art and are now in condition for allowance for the same reasons as reflected in the Office Action for Claims 24, 38, 41, and 44.

B. CLAIMS 12, 15, 18, AND 21

Claims 12, 15, 18, and 21 have been amended to include the features of Claims 14, 17, 20, and 35, respectively. The Office Action indicates that Claims 14, 17, 20, and 35 are merely objected to as being dependent upon a rejected base claim but would otherwise be allowable if rewritten in independent form.

Therefore, as a result of incorporating the features of Claims 14, 17, 20, and 35 into Claims 12, 15, 18, and 21, the Applicant respectfully submits that Claims 12, 15, 18, and 21 are allowable over the prior art and are now in condition for allowance for the same reasons as reflected in the Office Action for Claims 14, 17, 20, and 35.

C. CLAIMS 2-5, 7-9, 13, 16, 19, 22-23, 25-34, 36-37, 39-40, AND 42-43

Claims 2-5 and 22-23 are dependent on Claim 1, Claims 7-9, 25, and 36-37 are dependent on Claim 6, Claim 13 is dependent on Claim 12, Claim 16 is dependent on Claim 15, Claim 19 is dependent on Claim 18, Claims 26-29 and 39-40 are dependent on Claim 10, Claims 30-33 and 42-43 are dependent on Claim 11, and Claims 34 is dependent on Claim 21, and thus the dependent claims include each and every feature of the corresponding independent claims. Each of Claims 2-5, 7-9, 13, 16, 19, 22-23, 25-34, 36-37, 39-40, and 42-43 is therefore allowable for the reasons given above for Claims 1, 6, 10-12, 15, 18 and 21.

In addition, each of Claims 2-5, 7-9, 13, 16, 19, 22-23, 25-34, 36-37, 39-40, and 42-43 introduces one or more additional limitations that independently render it patentable, several of which have been discussed above. However, due to the fundamental differences already identified, to expedite the positive resolution of this case, a separate discussion of most of the further additional limitations of Claims 2-5, 7-9, 13, 16, 19, 22-23, 25-34, 36-37, 39-40, and 42-43 is not included at this time. Therefore, it is respectfully submitted that Claims 2-5, 7-9, 13, 16, 19, 22-23, 25-34, 36-37, 39-40, and 42-43 are allowable for the reasons given above with respect to Claims 1, 6, 10-12, 15, 18, and 21.

CONCLUSION

The Applicant believes that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Further examination on the merits after entry of the amendments above and in light of the remarks is respectfully requested.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

To the extent necessary to make this reply timely filed, the Applicant petitions for an extension of time under 37 C.F.R. § 1.136.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner for Patents, Mail Stop AMENDMENT P.O. Box 1450, Alexandria, VA 22313-1450.

on December 2, 2005

by

